

TUESDAY, 9 o'clock A. M., December 4, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace. Prayer by the chaplain. The journals of yesterday were read and adopted.

Mr. Grimes presented the petition of the Texas Monumental committee, together with

A bill to incorporate the Texas Monumental Committee; read first time.

Mr. Cooke presented the petition of Daniel Martindale, which was, on motion of Mr. Cooke, referred to the committee on Private Land Claims, without reading.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill for the relief of the citizens of Jasper County, reported the same back to the Senate with two additional sections as amendments, and recommended their adoption and the passage of the bill.

Amendments:

SEC. 5. *Be it further enacted*, That the Commissioner of the General Landoffice is hereby authorized to employ an additional clerk for the purpose of transcribing said records at the same as other clerks in the Landoffice.

SEC. 6. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Mr. Latimer, from the same committee, reported a substitute for a bill extending the time for taking out unconditional headrights, and recommended its adoption.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to incorporate the Marshall Cemetery Company, reported the same back to the Senate, without amendment, and recommended its passage.

Mr. Phillips, from the same committee, to whom was referred a bill to establish the Eleventh Judicial District of the State of Texas, and a bill to define the time of holding the courts in the Eleventh Judicial District, reported the same back to the Senate, and recommended their passage without amendment.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill authorizing and requiring the Governor to subscribe, on behalf of the State, for 1,500 copies of a digest of the laws of Texas proposed to be published by O. C. Hartley, Esq.

A bill defining the boundaries of the county of Santa Fe, and

A bill to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fe.

Mr. Wallace introduced a bill to fix the whole number of Senators at twenty-one and apportion them among the several districts herein established, according to the number of qualified electors; and to apportion fifty-two, the whole number of Representatives, among the several counties according to the number of free population in each; read first time.

Mr. Pease introduced a bill supplementary to an act regulating appeals to the Supreme Court in criminal cases, approved May 13th, 1846; read first time.

ORDERS OF THE DAY.

A bill to provide for the payment of jurors; read by sections.

Mr. Van Derlip moved to amend the 2nd section, by striking out all of said section after the words "shall be" in 2nd line and the words "taxed in the bill of costs and when collected, paid to the clerk of said court" upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Hart, Kinney, Latimer, Phillips, Van Derlip and Wallace—6.

Nays—Messrs. Cooke, Gage, Grimes, McRae, Moffett, Parker, Pease, Portis, Robertson, Taylor, Truitt, and Ward—12; lost.

Mr. Pease moved to amend the 2nd section by inserting the word "final" before the word "judgment" in the last line of said section; carried.

Mr. Latimer moved to amend the 2nd section by inserting "originally commenced in said court" after the word "district" in first line; lost.

Mr. Pease moved to amend the 3rd section by inserting the word "final" before the word "judgment" in the last line of said section; carried.

Mr. Wallace moved to amend the 3rd section by inserting after the word "otherwise" in 2nd line "and be there tried by a jury;" lost.

Mr. Wallace moved to amend by striking out the word "except criminal causes" in 3rd line and inserting "and be there tried by a jury;" lost.

Mr. Wallace moved to amend the 4th section by striking out the word "in" in 1st line, and inserting "or which may be hereafter commenced in or taken by appeal or otherwise to;" lost.

Mr. Wallace moved to amend by striking out "three" and inserting "six" in 2nd line, upon which the yeas and nays were called, and stood as follows:

Yeas: Messrs. Latimer, Phillips, Portis, Van Derlip and Wallace—5.

Nays: Messrs. Cooke, Gage, Grimes, Hart, Kinney, McRae, Moffett, Parker, Pease, Robertson, Taylor, Tritt and Ward 13; lost.

Mr. Wallace moved to amend the 5th section by striking out "five" and inserting "six;" lost.

Mr. Pease moved to amend by adding "provided that in no case shall the State be chargeable with such fee;" adopted.

Mr. Wallace moved to strike out the 5th section; lost.

Mr. Pease moved to amend the 6th section by inserting "final" before "judgment;" carried.

On motion of Mr. Wallace the 7th section was amended by striking out "process" and inserting "authority;"

Mr. Wallace moved to amend the 8th section by inserting after the word "act" in 2nd line the words "shall be paid to the clerk of said court and;" lost.

Mr. Wallace moved to amend further by striking out "the clerk of the district court," and inserting "said clerk;" lost.

Mr. Wallace moved to strike out the first section and insert in lieu thereof the 8th section. A division of the question being called for the motion to strike out was lost. The question then recurred on the motion to strike out first section, and insert the 8th in lieu thereof which was lost.

On motion of Mr. McRae, the 9th section was amended by striking out "verified by his affidavit."

Mr. Wallace moved to strike out the 9th section; lost.

Mr. Phillips moved to amend the 10th section by adding to the end of the section as follows: "and all fines imposed for non-attendance of jurors and for contempt of court in said county;" lost.

Mr. Wallace moved to amend the 10th section by striking out from "pay" to "and" in 6th and 7th lines and inserting "pro rata to each juror for his time of service;" lost.

Mr. Phillips moved to amend the 13th section by striking out the words "have reason to believe" and inserting "find from the record of his court."

Mr. Wallace offered the following as a substitute for Mr. Phillips' amendment: strike out all after the word "shall" and insert "ascertain that;" carried.

The question was then taken on the adoption of the amendment and was lost.

Mr. Wallace moved to amend the 16th section by inserting after "and" "29 per cent. on all moneys;" lost.

Mr. Pease moved to amend the 17th section by inserting the words "and sixth" after the word "third" in first line ; carried.

Mr. Van Derlip moved to amend the 18th section by striking out all after the word "State," in fourth line, and inserting "shall be paid to the clerk of the district court ;" lost.

Mr. Van Derlip moved to amend the 19th section by striking out all after the word "direct," in third line, and inserting "and jury certificates heretofore issued shall be receivable for county taxes and in payment for county licenses ;" lost by the following vote :

Yeas : Messrs. Hart, Latimer, Phillips, Portis, Van Derlip, Ward and Wallace—7.

Nays : Messrs. Cooke, Gage, Grimes, McRae, Moffett, Parker, Pease, Robertson, Taylor and Truit—10.

Mr. Van Derlip moved to amend by inserting an additional section as follows :

"Be it further enacted, That if the jury fund and all moneys in the county treasury shall be insufficient to pay the full amount of the jury certificates issued in any county, that the same shall be paid out of the treasury of the State upon the presentation to the Treasurer."

Upon which the yeas and nays were called and stood as follows :

Yeas : Messrs. Hart, Phillips, Van Derlip and Wallace—4.

Nays : Messrs. Cooke, Gage, Grimes, Latimer, McRae, Moffett, Parker, Pease, Portis, Robertson, Taylor, Truit and Ward—13; lost.

The bill was then ordered to be engrossed by the following vote :

Yeas : Messrs. Cooke, Gage, Grimes, McRae, Moffett, Parker, Pease, Portis, Robertson, Taylor, Truit and Ward—12.

Nays : Messrs. Hart, Kinney, Latimer, Phillips, Van Derlip and Wallace—6.

A bill to repeal an act for the relief of John S. Black and others ; read, and, on motion of Mr. Grimes, laid on the table.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House insisted on their amendment to the bill to authorize and empower all State, District and County officers to perform the duties of their respective offices until their successors are elected and qualified, according to law, and that Messrs. Stewart and Franklin were appointed a committee of conference, on the part of the House, on said bill ; also, that the House had adopted the Senate's resolution to appoint a committee to and receive from the

Comptroller all land scrip, loan bonds and other obligations of the late Republic of Texas and burn the same, &c., and that Messrs. Bee, Crump of Austin and Lott were appointed said committee, on the part of the House, to perform said duty; also, that the House had elected Messrs. Crump of Austin and Shea a committee, on the part of the House, to visit the Penitentiary; also, that the House had passed a bill for the relief of C. C. Taylor.

A bill, concerning passengers coming to the State of Texas; read second time, and ordered to be engrossed.

A bill authorizing and requiring the Governor to subscribe for 1500 copies of a digest of the laws of Texas proposed to be published by O. C. Hartley, Esq.; read third time and passed.

A bill defining the boundaries of the county of Santa Fe; read third time and passed.

A bill to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fe; read third time and passed.

On motion of Mr. Cooke, the Senate adjourned.

WEDNESDAY, 9 o'clock, A. M., December 5, 1849.

The Senate was called to order by the President. Senators present: Messrs. Davis, Page, Grimes, Hart, Latimer, McRae, Moffett, Parker, Phillips, Pease, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace.

Prayer by the Chaplain. The journals of yesterday were read and adopted.

The President appointed Messrs. Pease and Phillips a committee of conference, on the part of the Senate, on a bill to authorize and empower all State, District and County officers to perform the duties of their respective offices until their successors are elected and qualified, according to law.

Mr. Grimes, chairman of the committee on Finance, made the following report:

COMMITTEE ROOM, December 5, 1849.

To the Honorable JOHN A. GREER,

President of the Senate:

The committee on Finance, to whom was referred a bill providing payment for forage, subsistence, &c. of a company of mounted volunteers mustered into the service of the State, &c.,